

EXHIBIT 5

LULA WILLIAMS, ET AL. vs BIG PICTURE LOANS, LLC, ET AL.
Matthew Martorello on 08/30/2018

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
 RICHMOND DIVISION

3 LULA WILLIAMS, et al., on *
4 behalf of themselves and all *
5 other similarly situated *
6 individuals, *
7 Plaintiff, *
 *
8 VS. * Civil Action No.
 * 3:17-cv-461 (REP)
9 BIG PICTURE LOANS, LLC, *
10 et al., *
11 Defendants. *

12 *****

13 ORAL AND VIDEOTAPED DEPOSITION OF
14 MATTHEW MARTORELLO
15 AUGUST 30, 2018

16 *****

17 DEPOSITION of MATTHEW MARTORELLO,
18 produced as a witness at the instance of the
19 Plaintiffs, and duly sworn, was taken in the
20 above-styled and numbered cause on the 30th day of
21 August, 2018, from 10:09 a.m. to 2:44 p.m., before
22 Christy R. Sievert, CSR, RPR, in and for the State
23 of Texas, reported by machine shorthand, at the
24 offices of Kellett & Bartholow, PLLC, 11300 North
25 Central Expressway, Suite 301, Dallas, Texas 75243,
pursuant to the Texas Rules of Civil Procedure and
the provisions stated on the record or attached
hereto.

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1 operating, you know, meeting vendors, and knowing a
2 little bit about the industry, OLA was pretty
3 prominently known, so at some point, I would have
4 been aware and then gone to a conference, you know.

5 BY MS. KELLY:

6 Q. Okay.

7 A. Or several conferences over time.

8 Q. How did you come to become involved with
9 the LVD, Duck Creek Financial, or Red Rock?

10 A. I was approached at OLA in probably -- this
11 was 2011, so I think this was probably spring -- the
12 spring conference. And this was a time when, you
13 know, there was a lot of favorable on-point case law
14 that was coming out in 2010, and then we saw, you
15 know, TCV and Sequoia and all these big
16 institutional funds coming out.

17 And so at the OLA conference, it was, you
18 know, "Hey, tribal lending is the next tribal
19 gaming." And so there were breakout sessions and
20 things that were happening an OLA on that -- you
21 know, on that basis.

22 And someone approached me and said, you
23 know, "Hey, I represent a tribe. They're in the
24 online lending business today. They've got a code,
25 they're operating, and they are looking for a good

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1 interpreting that question as them deleting specific
2 loans. That's how I've been understanding. Is that
3 what you're saying, like --

4 BY MS. KELLY:

5 Q. Specific consumer loan information.

6 A. I'm -- you know, other than -- I'm not
7 specifically aware of some instance where they've
8 done that, but obviously with the entity dissolving,
9 I -- I could see them, you know, terminating a
10 contract that -- or something. I don't know. And I
11 don't know if that happened specifically either.
12 I'm just saying that's possible.

13 Q. For the Red Rock loans that were
14 transferred to TED -- strike that.

15 If you look at No. 5, it -- it asks for
16 individuals you may call as a witness in support of
17 your position as to class certification. Do you see
18 that?

19 A. Okay. Yes.

20 Q. How do you know Brian McFadden?

21 A. I've known Brian McFadden from riding bikes
22 in the fourth grade.

23 Q. Okay. And when did he first become
24 involved with SourcePoint VI?

25 A. It was probably 2012, late 2012, early --